

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Pulse Network LLC

versus

Visa Inc.

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Civil Action 4:14-cv-03391

DEFENDANT VISA'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Visa moves to dismiss Pulse's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim, because Pulse fails to allege antitrust injury, antitrust standing, or foreclosure of a substantial share of a relevant market.

In support of its motion, Visa submits:

1. Memorandum in Support;
2. Appendix — Glossary of Debit Terms; and
3. Proposed Order of Dismissal.

Dated January 23, 2015

Respectfully submitted,

SMYSER KAPLAN & VESELKA, L.L.P.

By: /s/ Lee L. Kaplan

Lee L. Kaplan
Attorney-in-Charge
State Bar No. 11094400
S.D. Id. No. 1840
700 Louisiana, Suite 2300
Houston, Texas 77002
(713) 221-2323
(713) 221-2320 (fax)
Email: lkaplan@skv.com

**ATTORNEY-IN-CHARGE FOR
VISA INC.**

OF COUNSEL:

KEKER & VAN NEST LLP

John W. Keker (*pro hac vice* pending)

Asim M. Bhansali

S.D. Id. No. 22670

633 Battery Street

San Francisco, CA 94111-1809

Telephone: (415) 391-5400

Fascimile (415) 397-7188

Email: jkeker@kvn.com

Email: amb@kvn.com

ARNOLD & PORTER LLP

Mark R. Merley (*pro hac vice* pending)

555 12th Street, N.W.

Washington, DC 20004

Telephone: (202) 942-5000

Facsimile: (202) 942-5999

Email: mark.merley@aporter.com

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of (1) Defendant Visa's Motion to Dismiss for Failure to State a Claim, (2) Memorandum in Support, (3) Appendix — Glossary of Debit Terms, and (4) Proposed Order of Dismissal via the Court's CM/ECF system per Local Rule 5.1 on the 23rd day of January, 2015.

/s/ Lee L. Kaplan

Lee L. Kaplan